

Appln. No. 10/715,803
Docket No. GP-303124/GM2-0075

REMARKS / ARGUMENTS

The Examiner remarks that the reply filed on January 5, 2006, is not fully responsive to the prior Office Action because of reasons relating to specific distinctions over the prior art for the newly added claims, and because of reasons relating to the lack of clarification as to which species the newly presented claims are readable upon.

Status of Claims

From the previous Office Action, Claims 1-4, 7-12 and 23-27 are pending in the application. No claim amendments are presented herein, and therefore under 37 CFR 1.121, no claim listing is provided herewith.

Applicant respectfully submits that the rejections of the previous Office Action have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Regarding the Specific Distinction Over the Prior Art for the Newly Added Claims

Newly Added Claim 26 recited, inter alia,

"...a load initiating element located within the housing so as to provide an axial frictional force between the load initiating element and the housing..."

Newly added Claim 27 is dependent upon Claim 26, and therefore inherits all of the limitations of the parent claim.

As a comparison, Claim 1 was amended to recite, inter alia,

"...a load initiating element located within the housing so as to provide an axial frictional force between the load initiating element and the housing..."

On pages 8-9 of Applicant's previous reply dated January 5, 2006, Applicant presented arguments to distinguish amended Claim 1, including the above noted limitation, over the prior art of record.

On page 10 of Applicant's previous reply dated January 5, 2006, Applicant commented that "in view of the foregoing remarks, Applicant submits that new Claims 26-27 are directed to allowable subject matter..."

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The above noted remarks in Applicant's previous reply were intended to distinguish the newly added claims over the prior art of record for at least the same reasons that amended Claim 1 was distinguishable over the prior art of record. However, in an effort to comply with the Examiner's request for a more complete response, Applicant herein repeats the reasons, but now with respect to the newly added claims.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*" *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the *** claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "*arranged as in the claim.*" *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984) (emphasis added). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Newly added Claim 26 recites, inter alia,

"...a load initiating element located within the housing *so as to provide an axial frictional force between the load initiating element and the housing...*".

No new matter has been added as antecedent support may be found in the specification as originally filed, such as at Paragraph [0027] for example.

Dependent claims inherit all of the limitations of the respective parent claim.

In comparing Richards and Isaacson with the claimed invention, Applicant submits that each of Richards and Isaacson separately fail to disclose:

"...a load initiating element located within the housing *so as to provide an axial frictional force between the load initiating element and the housing...*".

Regarding Richards more specifically, Applicant finds load initiating element 36 to be disposed at a distance from the inner surface of housing 14 (see Richards, Figures 4

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and 5, for example), and therefore necessarily cannot be located within the housing *so as to provide an axial frictional force between the load initiating element and the housing.*

Regarding Isaacson more specifically, Applicant finds load initiating element (Belleville spring) 46 to be disposed so as to act between the brake shoe 36 and the circular plate 32 (see Isaacson, Col. 3, lines 17-18, and Figure 2, for example), and not disposed *so as to provide an axial frictional force between the load initiating element and the housing.*

Contrary to the claimed invention, Applicant does not find either Richards or Isaacson to specifically disclose "...a load initiating element located within the housing *so as to provide an axial frictional force between the load initiating element and the housing...*".

Accordingly, Applicant submits that Richards and Isaacson do not separately disclose all of the claimed elements, including their claimed attributes, arranged as in the claim, and respectfully submits that absent anticipatory disclosure in either Richards or Isaacson of each and every element of the claimed invention arranged as in the claim, both Richards and Isaacson cannot separately be anticipatory.

In view of the foregoing remarks, Applicant submits that the References do not separately disclose each and every element of the claimed invention arranged as claimed and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the newly added claims are distinguishable over the prior art of record.

Regarding Clarification as to which Species the Newly Presented Claims are Readable Upon

Applicant submits that the newly added Claims 26-27 are readable upon Species II, directed to the invention of Figures 9-12.

This reply is considered to be fully responsive to the instant Office Action. However, if the Examiner considers otherwise, Applicant cordially invites the Examiner

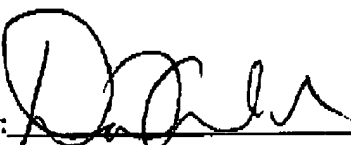
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to contact Applicant's Attorneys at the telephone number below to resolve any matters that the Examiner may consider to remain outstanding.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,
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